

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Benjamin Holly,
Plaintiff
v.
Nye County Sheriff's Dept.,
Defendant

2:16-cv-02607-JAD-VCF

Order Adopting Report and Recommendation and Dismissing Complaint without Prejudice

[ECF No. 5]

10 Pro se plaintiff Benjamin Holly brings this civil-rights action against the Nye County
11 Sheriff's Department. On December 5, 2016, Magistrate Judge Ferenbach granted Holly's
12 application to proceed *in forma pauperis* and screened Holly's complaint. The magistrate judge
13 recommends that I dismiss Holly's complaint without prejudice and with leave to amend because the
14 Nye County Sheriff's Department is not a proper target for Holly's § 1983 claims and it is the only
15 named defendant. “[N]o review is required of a magistrate judge's report and recommendation
16 unless objections are filed.”¹ Objections to the magistrate judge's report and recommendation were
17 due by December 22, 2016, and Holly has not filed an objection or requested an extension to do so.

18 Accordingly, with good cause appearing and no reason to delay, IT IS HEREBY ORDERED,
19 ADJUDGED, and DECREED that the magistrate judge's report and recommendation [ECF No. 5] is
20 **ADOPTED**. The complaint [ECF No. 6] is **DISMISSED without prejudice and with leave to**
21 **amend**. If Holly wishes to file an amended complaint curing the deficiencies outlined in the
22 magistrate judge's report and recommendation, he must do so by **February 3, 2017**. If Holly does
23 not file an amended complaint by this deadline, this case will be dismissed with prejudice and
24 without further notice.

¹ *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); see also *Thomas v. Arn*, 474 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

The Clerk of Court is directed not to issue summons on the amended complaint. The court will screen the amended complaint and address the issuance of summons at that time if necessary.

Dated this 4th day of January, 2017.


Jennifer A. Dorsey
United States District Judge